

REMARKS/ARGUMENTS

Claims 1-4, 6-10, 12-16, 18-22, and 24-51 remain in the application, with claim 51 being new.

35 U.S.C. § 103 Rejections

Claims 1-4, 6-10, 12-16, 18-22, and 24-44, 46, and 48-50 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall et al. (U.S. Patent No. 6,032,051) in view of Eaton et al. (U.S. Patent Publication No. 2003/0208545), Leppanen et al. (U.S. Patent Publication No. 2005/0262198), and Keating et al. (U.S. Patent Publication No. 2004/0082352). Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Leppanen, and Keating, and in further view of U.S. Patent Publication No. 2003/0037103 to Salmi et al. (hereinafter “Salmi”). Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Leppanen, and Keating, and in further view of U.S. Patent Publication No. 2004/0267887 to Berger et al. (hereinafter “Berger”). Applicants respectfully traverse these rejections, as detailed below.

Reply to Examiner's Response to Arguments

Since the Examiner has maintained the prior rejections and has provided arguments in support of this position, Applicants will address the Examiner's response first.

The Examiner states that “Section 0023 lines 3 – 4 of Leppanen shows that the presentity can be regarded being a user as well as a presence server associated with said user thus rendering a scenario wherein the presence list server sends the request to the target user.” (Office Action, pg. 2.) This statement is not entirely accurate. While it is true that Leppanen states that “[a] ‘presentity’¹⁴ can be regarded as being a user and a presence server associated with that user” (paragraph [0023]), the term “presentity” is merely a short hand designation for a group of several different physical entities that is provided for grammatical convenience. However, it belies the actual operation. Use of such labels should not obscure the true underlying structure and associated operations.

The fact remains that the presence list server in Leppanen never **actually** sends a request to the target user itself. When Leppanen says “the presence list server sends out requests to the presentities for presence information,” it means that the presence list server sends out requests to

the presence servers associated with the target users, not to the target users themselves. This is made clear in paragraph [0028]: “the presence server which stores presence information for the respective user will provide the required presence information to the presence list server. The presence list server thus will have the required part of the presence information which is then forwarded to the watcher.”

Despite the labels applied to the different physical entities or groups of entities in Leppanen, a deeper reading reveals that the underlying structure does not actually operate in a manner equivalent to the claimed feature at issue. Again, Leppanen merely teaches that a presence list server sends a request to a presence server “associated” with a targeted user, not to the target user itself. Leppanen therefore does not teach “transmitting an alert from the GCS to the target [about which presence information is requested]” as claimed.

Summary

Since the Examiner has maintained the various rejections of claims 1-50 under 35 U.S.C. § 103 as noted above, Applicants once again traverse these rejections. Applicants expressly maintain the reasons from the prior responses to clearly indicate on the record that Applicants have not conceded any of the previous positions relative to the maintained rejections. For brevity, Applicants expressly incorporate the prior arguments presented in the March 25, 2010, response without a literal rendition of those arguments in this response.

For at least the foregoing reasons and the reasons set forth in Applicant’s response of March 25, 2010, it is respectfully submitted that independent claims 7, 13, 19, 25, 30, 35, and 40 are distinguishable over the applied art. The remaining dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. (See MPEP § 2143.01.) Moreover, these claims recite additional subject matter, which is not believed suggested by the documents taken either alone or in combination.

CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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